

**SUMMARIZED MINUTES  
SCOTTSDALE CITY COUNCIL  
TUESDAY, OCTOBER 25, 2005**



**CITY HALL KIVA  
3939 N. DRINKWATER BOULEVARD  
SCOTTSDALE, AZ 85251**

**CALL TO ORDER**

Mayor Manross called to order a Regular Meeting of the Scottsdale City Council on Tuesday, October 25, 2005 in the Kiva, City Hall, at 5:09 P.M.

**ROLL CALL**

Present: Mayor Mary Manross  
Vice Mayor Ron McCullagh  
Council Members Betty Drake, Wayne Ecton, W.J. "Jim" Lane,  
Robert Littlefield, and Kevin Osterman

Also Present: City Manager Jan Dolan  
Acting City Attorney Deborah Robberson  
City Clerk Carolyn Jagger

**PLEDGE OF ALLEGIANCE** – Vice Mayor McCullagh

**INVOCATION** - None

**PRESENTATIONS/INFORMATION UPDATES** - None

**BOARDS, COMMISSIONS AND TASK FORCES** - Scottsdale Pride Committee  
*Nominee:* Sandra Kaibetony

COUNCILMEMBER DRAKE MOVED TO APPOINT SANDRA KAIBETONY TO THE SCOTTSDALE PRIDE COMMITTEE. VICE MAYOR MCCULLAGH SECONDED THE MOTION, WHICH CARRIED 7-0.

**PUBLIC COMMENT** - None

NOTE IN ACCORDANCE WITH PROVISIONS OF THE ARIZONA REVISED STATUTES THE SUMMARIZED MINUTES OF CITY COUNCIL MEETINGS ARE NOT VERBATIM TRANSCRIPTS. ONLY THE ACTIONS TAKEN AND DISCUSSION APPEARING WITH QUOTATION MARKS ARE VERBATIM. DIGITAL RECORDINGS OF CITY COUNCIL MEETINGS ARE ON FILE IN THE CITY CLERK'S OFFICE.

## MINUTES

SPECIAL MEETINGS  
October 4, 2005

REGULAR MEETINGS  
October 4, 2005

EXECUTIVE SESSIONS  
August 30, 2005

VICE MAYOR MCCULLAGH MOVED FOR APPROVAL OF THE SPECIAL AND REGULAR MEETING MINUTES OF OCTOBER 4, 2005, AND THE EXECUTIVE SESSION MINUTES OF AUGUST 30, 2005. COUNCILMAN LANE SECONDED THE MOTION, WHICH CARRIED 7-0.

## CONSENT AGENDA      ITEMS 1-3

1.     **Contract for Legal Services in Connection with City of Scottsdale v. Bruce Corey, et al.**  
      **Request:** Adopt Resolution No. 6758 authorizing the Mayor to execute Contract No. 2003-166-COS-A2, an outside counsel contract renewal in a maximum amount of Sixty Thousand Dollars (\$60,000.00) with the law firm of AYERS & BROWN, P.C. for legal services regarding representation of the City of Scottsdale in the litigation entitled City of Scottsdale v. Bruce Corey, et al., Superior Court Case No. CV2000-017994, an eminent domain action brought to acquire real property for the McDowell Sonoran Preserve.  
      **Related Policies, References:** Resolution No. 6476  
      **Staff Contact(s):** Deborah W. Robberson, Acting City Attorney, 480-312-2405, [drobberson@scottsdaleaz.gov](mailto:drobberson@scottsdaleaz.gov); Robert Cafarella, Preservation Director, 480-312-7013, [rcafarella@scottsdaleaz.gov](mailto:rcafarella@scottsdaleaz.gov)
2.     **Contract for Legal Services in Connection with City of Scottsdale v. Alpine Valley Limited Partnership**  
      **Request:** Adopt Resolution No. 6759 authorizing the Mayor to execute Contract No. 2003-167-COS-A2, an outside counsel contract renewal in a maximum amount of Twenty-five Thousand Dollars (\$25,000.00) with the law firm of AYERS & BROWN, P.C. for legal services regarding representation of the City of Scottsdale in the litigation entitled City of Scottsdale v. Alpine Valley Limited Partnership, Superior Court Case No. CV2001-012496, an eminent domain action brought to acquire real property for the McDowell Sonoran Preserve.  
      **Related Policies, References:** Resolution No. 6519  
      **Staff Contact(s):** Deborah W. Robberson, Acting City Attorney, 480-312-2405, [drobberson@scottsdaleaz.gov](mailto:drobberson@scottsdaleaz.gov); Robert Cafarella, Preservation Director, 480-312-7013, [rcafarella@scottsdaleaz.gov](mailto:rcafarella@scottsdaleaz.gov)
3.     **Contract for Legal Services in Connection with City of Scottsdale v. Bartlett View Properties II Limited**  
      **Request:** Adopt Resolution No. 6760 authorizing the Mayor to execute Contract No. 2003-168-COS-A2, an outside counsel contract renewal in a maximum amount of Twenty-five Thousand Dollars (\$25,000.00) with the law firm of AYERS & BROWN, P.C. for legal services regarding representation of the City of Scottsdale in the litigation entitled City of Scottsdale v. Bartlett View Properties II Limited, Superior Court Case No. CV2001-012495, an eminent domain action brought to acquire real property for the McDowell Sonoran Preserve.  
      **Related Policies, References:** Resolution No. 6520

**Staff Contact(s):** Deborah W. Robberson, Acting City Attorney, 480-312-2405, [drobberson@scottsdaleaz.gov](mailto:drobberson@scottsdaleaz.gov); Robert Cafarella, Preservation Director, 480-312-7013, [rcafarella@scottsdaleaz.gov](mailto:rcafarella@scottsdaleaz.gov)

### **MOTION AND VOTE – CONSENT AGENDA**

COUNCILMAN OSTERMAN MOVED FOR APPROVAL OF CONSENT AGENDA ITEMS 1 THROUGH 3. COUNCILMAN ECTON SECONDED THE MOTION, WHICH CARRIED 7-0.

## **REGULAR AGENDA      ITEMS 4 - 6**

### **4.      General Plan Cases from Monday, October 24, 2005, General Plan Amendment Meeting**

ITEM CONTINUED FROM MONDAY, OCTOBER 24, 2005:

#### **Equestria Villas General Plan Amendment Requests:**

1. Consider a major General Plan Amendment of the Land Use Element from Cultural/Institutional or Public Use to Urban Neighborhoods on a 4 +/- acre parcel located on the south side of McDowell Mountain Ranch Road, 1/4 mile west of Thompson Peak Parkway (9975 E. McDowell Mountain Ranch Road).
2. Adopt Resolution No. 6766 affirming the General Plan Amendment.

**Location:** 9975 E. McDowell Mountain Ranch Road

**Reference:** 10-GP-2005

**Staff Contact(s):** Frank Gray, Planning and Development Services General Manager, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)

Staff reviewed the request as presented on October 24, 2005.

The applicant noted the surrounding zonings of R-5 and R1-5, indicating there is a written agreement with the neighbors stipulating a maximum of twelve units per acre and a maximum of two-stories in height (or twenty-four feet measured to the bottom of the eave).

Mayor Manross opened public testimony:

**Toby Nydick**, 16231 N 99<sup>th</sup> PI, 85260, opposed the case since the zoning of surrounding property was denied the previous evening.

**Gerry Hrenchir**, 16195 N 99<sup>th</sup> PI, 85260, said this acreage was too small for twelve units per acre after deducting the acreage for the canal space. Since the Winstar property was denied, he believes this property should also be denied.

**Bob Vairo**, Coalition of Pinnacle Peak, 10040 E Happy Valley Rd, #451, 85255, said it did not make good planning sense to change the General Plan designation, and recommended denial.

**Laurie McCammon**, McDowell Mountain Responsible Community Development Coalition, 11020 E Acoma Dr, 85255, expressed concern about the intensity of the proposed use. Ms. McCammon noted that other uses in the area, such as the aquatic center, skate park, and library, will increase traffic volume.

Council and staff discussion:

- Staff clarified that the canal would not affect the overall density, but could result in some units being more clustered.
- Staff verified that public access to the Verde Canal would be preserved.
- It was suggested that the area southwest of the canal be used as a community amenity or recreation site.
- The General Plan designation should be left as it is at this time.
- It was suggested that Service Residential (S-R) may be more appropriate for the area, while others questioned whether Service Residential (S-4) could be successful on this property.
- Concern was raised regarding the unanimous opposition, and the fact that consensus had not been reached by the neighbors.

#### **MOTION AND VOTE – ITEM 4**

COUNCILMEMBER DRAKE MOVED FOR APPROVAL OF A MAJOR GENERAL PLAN AMENDMENT OF THE LAND USE ELEMENT FROM CULTURAL INSTITUTIONAL OR PUBLIC USE TO URBAN NEIGHBORHOODS (10-GP-2005), AND ADOPTION OF RESOLUTION NO. 6766. VICE MAYOR MCCULLAGH SECONDED THE MOTION, WHICH CARRIED 5-2, WITH MAYOR MANROSS AND COUNCILMAN OSTERMAN DISSENTING.

#### **5. Exclusive Ambulance Provider Contract Approval Request:**

Consider options for ambulance provider services, including:

- Option A: Adopt Resolution No. 6771, approving Ambulance Contract No. 2005-162-COS, Advanced Life Support Labor Services Contract No. 2005-163-COS and Ambulance Staffing Contract Labor Agreement No. 2005-164-COS, and authorizing the City Manager to terminate the Amended Ambulance Agreement with Southwest Ambulance.  
Or
- Option B: Adopt Resolution No. 6772, approving Ambulance Contract No. 2005-162-COS and the Advanced Life Support Labor Services Contract No. 2005-163-COS, and authorizing the City Manager to terminate the Amended Ambulance Agreement with Southwest Ambulance.

#### **Related Policies, References:**

- January 4, 2005 Work Study Session Information Report – City Ambulance Service Options
- April 19, 2005 Council Action Report – Consulting Services to Assist the City in an Open Competitive Process for Advanced Life Support Ambulance Transportation Services
- June 7, 2005 Council Action Report – Interim Ambulance Agreement
- June 28, 2005 Council Action Report- Exclusive Ambulance Provider Request for Proposal (RFP) Process

**Staff Contact(s):** William L. McDonald, Fire Chief, 480-312-1880,  
[wmcdonald@scottsdaleaz.gov](mailto:wmcdonald@scottsdaleaz.gov)

Staff provided a presentation as outlined below:

- Vision
- History
- System Overview
- Response Time
  - Call answering time
  - Call processing time
  - Turnout
  - Travel
- Objective Competitive Process
- RFP Requirements
  - Ambulance System Requirements
  - Response Time Requirement
- PMT Proposal (in addition to RFP requirements)
  - Simultaneous dispatch of units
  - Fire automatic vehicle locator system
  - Medical improvements and training
  - Defined quality improvement plan
  - Community outreach programs
  - Program enhancements
  - Dedicated back up and disaster units
  - Advanced life support reimbursement
  - Commitment to maintain base rates
- Analysis
  - Staffing options are identical in terms of emergency ambulance services
  - Adds eight additional on-duty trained emergency responders
  - Firefighters assigned to ambulances can be integrated into emergency operations
  - More integrated medical system
  - Operational flexibility
  - Promotes a strong working relationship and collaboration
  - Cultivates relationship with hospital staff
- Recommendations

Mayor Manross opened public testimony:

**Kurt Merschman**, Squire, Sanders, and Dempsey, representing Southwest Ambulance, 40 N Central Av, Suite 270C, Phoenix, 85004, stated that a legal protest had been filed and that the hearing is scheduled for the week of November 14, 2005. Mr. Merschman commented that, along with violations to the City's Procurement Code, it may also be found that Medicare law was violated. He further suggested that the Department of Health Services (DHS) may not approve the contract. Mr. Merschman recommended carefully considering these points before approving the contract with PMT. Southwest believes the competitive field should be fair and legal.

Public testimony closed.

Council discussion:

- It was clarified that response times and additional emergency units are components of performance measures contained in a mutual aid agreement with Phoenix, and mutual aid is a requirement of the contract with PMT.
- In regard to City staffing of a private business's equipment, Fire Chief Willie McDonald said the Department of Health Services (DHS) examined the current contract and was comfortable with the language. Southwest Ambulance, as the holder of the Certificate of Necessity, will follow up with DHS directly.
- It was suggested that Council vote on the staffing agreement separately, Labor Agreement No. 2005-164-COS, Option C on Resolution No. 6771, due to concerns about growth of City staffing and having private business staffed by City employees.
- There was concern that this could be a step toward the City moving into the ambulance business.
- The Fire Chief clarified that the City was not interested in having a municipal ambulance service, pointing out that the City has had a successful integrated system since 1993.
- A City attorney pointed out a typographical error in Section 35 of the Ambulance Contract: the reference to insurance paragraphs should read, "paragraphs 43 to 49" not "51."
- Staff confirmed that Southwest Ambulance has filed a written protest, which will be addressed through a hearing, as provided by the City's Procurement Code.
- Discussion was held regarding the effect of the contract should Southwest's objection be sustained, and additional language was suggested regarding a termination clause. In response, Acting City Attorney Deborah Robberson pointed out that the remedies provision in the Procurement Code allows for the contract to be set aside. PMT is aware of this provision; therefore, no additional language was needed.

**MOTION AND VOTE – ITEM 5**

COUNCILMAN ECTON MOVED TO APPROVE RESOLUTION NO. 6771, SECTION 1, OPTIONS A AND B: THE AMBULANCE CONTRACT NO. 2005-162-COS AND THE ADVANCE LIFE SUPPORT LABOR SERVICES CONTRACT NO. 2005-163-COS; AND AUTHORIZE THE CITY MANAGER TO TERMINATE THE CURRENT CONTRACT WITH SOUTHWEST AMBULANCE. COUNCILMAN LITTLEFIELD SECONDED THE MOTION, WHICH CARRIED 7-0.

COUNCILMAN OSTERMAN MOVED TO INCLUDE OPTION C OF SECTION 1 OF RESOLUTION NO. 6771 – AMBULANCE STAFFING CONTRACT LABOR AGREEMENT NO. 2005-164-COS. COUNCILMAN ECTON SECONDED THE MOTION, WHICH CARRIED 5-2, WITH VICE MAYOR MCCULLAGH AND COUNCILMAN LANE DISSENTING.

**6. Contract Modification to the City's Photo Enforcement Contract and Submittal of a Right-of-Way Use Permit for a Loop 101 Photo Enforcement Demonstration Program**

**Requests:**

1. Authorize a modification to Contract #2002-072-COS with Redflex Traffic Systems, Inc., to allow for activities associated with the 101 demonstration program, including contract extension through June 30, 2007;

2. Authorize City staff to submit a Right of Way Use Permit to ADOT for a demonstration photo enforcement program on the Loop 101, as outlined in the Council Action Report and at a Council Work Study Session on October 11, 2005.

**Staff Contacts:** Mary O'Connor, Transportation General Manager, 480-312-2334, [moconnor@scottsdaleaz.gov](mailto:moconnor@scottsdaleaz.gov); Alan Rodbell, Police Chief, 480-312-5310, [arodbell@scottsdaleaz.gov](mailto:arodbell@scottsdaleaz.gov)

Staff provided a presentation outlined below:

- Background information and requests from Work Study Session of October 11, 2005
- Information on a breakeven point
  - Estimated cost before issuance of citations - \$643,356
  - Approximately four months (or about 121,000 citations)
- Financial Review
- Indemnity and Insurance
  - Insurance coverage increased to \$20M per occurrence
- Schedule for Demonstration Program

City Manager Dolan clarified that no taxpayer dollars would be used for the project. Money brought in through citations will fund the program.

Mayor Manross opened public testimony:

**George Knowlton**, 8701 E Valley View Rd, 85250, opposed the contract and questioned why the City would want to be involved. Mr. Knowlton said the Loop 101 falls under the State's jurisdiction and taxpayers already pay the State to patrol the freeway.

**Steve Ludwig**, 7820 E Monte Vista, 85257, believes that photo radar on the 101 is dangerous and untested. Mr. Ludwig said that cameras should not take the place of officers. He believes the State Legislature should be petitioned to handle the speed problems on the 101.

**Douglas Newton**, 8468 E Montebello, 85250, said the system was not fair and wouldn't stop accidents.

**Meg Burton Cahill**, Arizona House of Representatives, 1531 E Cedar St, Tempe, 85281, commended the City for looking at the issue of public safety. She believes the information gained from this pilot program will benefit the entire State, and that the program will have an impact on speeding.

**Todd Biesioda**, 2415 E Cairo Dr, Tempe, 85282, presented accident data and statistics, noting fatalities had not increased. He believes the project is motivated by money.

**Gerry Hrenchir**, 16195 N 99<sup>th</sup> Pl, 85260, believes this is a foolish waste of taxpayer dollars, that visible police would slow traffic better, and that this is a job for the County and State.

**Tony Nelssen**, 7736 E Redbird, said Scottsdale had no business in the State's business, and that more attention should be given to accidents on Scottsdale and Pima roads.

**Louise Lamb**, 7608 E 4th St, 85251, believes more emphasis should be placed on education. Ms. Lamb also feels that other community needs should have priority over the Loop 101 photo radar program.

Mayor Manross closed public testimony.

Council discussion:

- The Loop 101 photo radar program is about saving lives.
- The program is designed to be self-funded through citation payments.
- The current photo radar program in Scottsdale has been very successful and has community support.
- The State is under-funded and Scottsdale Police officers have helped out many times on the 101.
- Most accidents on the 101 occur farther south, so the photo radar program would be targeting the wrong area.
- It was suggested that Scottsdale concentrate on northern Pima Road and let the State take care of the 101.
- Some expressed concern that the State has failed to effectively patrol the 101 and the City is sending the wrong message by assuming this responsibility.
- Concern was expressed about the legal and financial liabilities, which should belong to the State, not the City.
- Possible safety hazards as a result of the program were mentioned.
- Protection of residents and guests is the City's responsibility, and the photo radar program is only one important tool in making the 101 safer.
- Staff stated that efforts are underway to address problems on Pima Road.
- Staff noted there are provisions in the contract to stop the program at any time.
- Statistics from other states and countries that have photo radar on freeways were presented. The statistics indicate reductions in speeding and accidents were realized.
- The City is not paying the State to not patrol, but freeing them up to investigate more serious situations.
- Photo radar is more cost effective than having officers spending time writing tickets and going to court.
- Citizens should continue to write the legislature and encourage them to more adequately fund highway patrols.

**MOTION AND VOTE – ITEM 6**

COUNCILMEMBER DRAKE MOVED TO APPROVE ITEM 6, AUTHORIZATION OF MODIFICATION TO CONTRACT 2002-072-COS, AND FOR A RIGHT-OF-WAY USE PERMIT. COUNCILMAN ECTON SECONDED THE MOTION, WHICH CARRIED 5-2, WITH COUNCILMEN LANE AND LITTLEFIELD DISSENTING.

**PUBLIC COMMENT** - None

**CITY MANAGER'S REPORT** - None

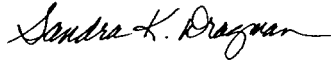
**MAYOR AND COUNCIL ITEMS** - None



## ADJOURNMENT

With no further business to discuss, the meeting adjourned at 8:29 P.M.

### SUBMITTED BY:



**Sandy Dragman**  
Recording Secretary

### REVIEWED BY:



**Carolyn Jagger**  
City Clerk

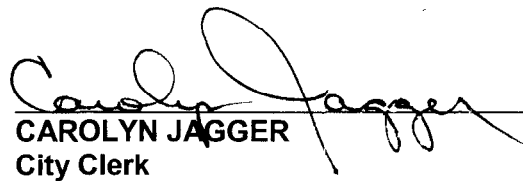
Officially approved by the City Council on November 15, 2005

### **CERTIFICATE**

I hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular Meeting of the City Council of Scottsdale, Arizona held on the 25th day of October 2005.

I further certify that the meeting was duly called and held, and that a quorum was present.

**DATED** this 15th day of November 2005.

  
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**CAROLYN JAGGER**  
City Clerk